

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of Petition of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. Section 160(c) in the Boston Metropolitan Statistical Area.	WC Docket No. 06-172
Petition of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. Section 160(c) in the New York Metropolitan Statistical Area.	WC Docket No. 06-172
Petition of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. Section 160(c) in the Philadelphia Metropolitan Statistical Area.	WC Docket No. 06-172
Petition of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. Section 160(c) in the Pittsburgh Metropolitan Statistical Area.	WC Docket No. 06-172
Petition of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. Section 160(c) in the Providence Metropolitan Statistical Area.	WC Docket No. 06-172

Petition of Verizon Telephone
Companies for Forbearance Pursuant
to 47 U.S.C. Section 160(c) in the
Virginia Beach Metropolitan
Statistical Area.

WC Docket No. 06-172

**COMMENTS
OF THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

The California Public Utilities Commission and the People of the State of California (“CPUC” or “California”) hereby respectfully submits these comments on the petitions of Verizon Telephone Companies (“Verizon”) for forbearance from dominant carrier regulations pursuant to 47 U.S.C. Section 160 in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas (“MSAs”) in the above-captioned matters.

I. DISCUSSION

The CPUC is interested in the outcome of these proceedings to the extent that any decisions on these Verizon petitions may provide guidance to California for evaluating any future similar forbearance petitions that Verizon or other incumbent local exchange carriers (“ILECs”) may file with the Federal Communications Commission (“Commission” or “FCC”) for their California markets. The CPUC is concerned that the FCC may not act on the Verizon petitions within the requisite time period, which would result in grant of these petitions by operation of law, as occurred with the Verizon

petition for forbearance for broadband services.¹ As the CPUC expressed in its reply comments in this docket on the ILEC petitions for forbearance from Title II and *Computer Inquiry* rules for broadband services, the FCC *must* issue a written decision that articulates the bases for its grant of the requested forbearance.² Otherwise, states and the industry are left without adequate understanding of the granted scope of forbearance or the FCC's rationale in granting forbearance.

Further, as illustrated by the *Qwest Omaha Forbearance Order*,³ the FCC's determination is dependent on the specific facts and circumstances for the MSA in question. Because of the fact-specific nature of the Verizon petitions, an order or orders should address explicitly *each* of the Verizon petitions, the concerns raised by the parties for specific MSAs, and the competition levels in the relevant MSAs. The CPUC thus urges the FCC to address the petitions and issue decisions on the Verizon petitions that fully articulate the bases for its decisions.

¹ See News Release, *Verizon Telephone Companies' Petition for Forbearance from Title II and Computer Inquiry Rules with Respect to their Broadband Services is Granted by Operation of Law*, WC Docket No. 04-440 (March 20, 2006). Pursuant to Section 10(c) of the Act, a forbearance petition is deemed granted if the Commission does not deny the petition within "one year after the Commission receives it, unless the one year period is extended by the Commission."

² *Reply Comments of the Public Utilities Commission of State of California*, WC Docket No. 06-147 (Sept. 27, 2007).

³ *Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. Section 160(c) in the Omaha Metropolitan Statistical Area*, WC Docket No. 04-223, FCC 05-170, Memorandum Opinion and Order (rel. Dec. 2, 2005) ("Qwest Omaha Forbearance Order").

II. CONCLUSION

For the foregoing reasons, the CPUC urges the Commission to apply the statutory forbearance analysis to each of the pending Verizon petitions, and if forbearance is granted, issue a written order(s) articulating the bases for its decisions for each market.

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Respectfully submitted,

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March 5, 2007